

## **Approved Minutes of the Maricopa HOME Consortium**

**Public Meeting  
September 17, 2015  
9:30 a.m.**

**Present:**      **Matt Hess, City of Avondale**  
                 **Melissa Vizzerra, City of Chandler**  
                 **Tilahun Wagaye, City of Chandler**  
                 **Robert Kropp, Town of Gilbert**  
                 **Gilbert Lopez, City of Glendale**  
                 **Buzz Essel, City of Glendale**  
                 **Renee Ayres-Benavidez, City of Glendale**  
                 **Carin Imig, City of Peoria**  
                 **Jaime Gonzalez, City of Peoria**  
                 **Diane Ethington, City of Scottsdale**  
                 **Alicia Rubio, City of Surprise (telephonically)**  
                 **Maryna Leyvas, City of Tempe**  
                 **Richard Thomason, HUD**  
                 **Earl Cook, HUD**  
                 **Mark Appleby, Com Sense Inc.**  
                 **Robert Frankeberger, Arizona SHPO**  
                 **Amy Jacobson, Maricopa County**  
                 **Carl Morgan, Maricopa County**  
                 **Carissa Cyr, Maricopa County**  
                 **Lisa Lowery, Maricopa County**  
                 **Paul Ludwick, Maricopa County**  
                 **Regina Marette, Maricopa County**

### **1. Call to Order and Roll Call**

At 9:34 a.m., Amy Jacobson called to order the September 17, 2015 Maricopa HOME Consortium Public Meeting held at the Security Building in Classroom 1, Floor 1A, at 234 North Central Ave., Phoenix, Arizona 85004. Amy asked everyone to introduce themselves. The Roll was then called and a quorum was established.

### **2. Approval of Minutes (8/20/15)**

Amy called for a motion to approve the minutes of the August 20, 2015 monthly HOME Consortium Public Meeting unless there were any changes or corrections to the minutes. Carin Imig made one correction: City of Peoria has a programmatic agreement with SHPO. Carin Imig motioned to approve the August 20, 2015 minutes with the one correction. The motion was seconded by Matt Hess and passed unanimously.

### **3. SHPO Programmatic Agreement**

Amy gave some background information on this agenda item. Maricopa County, as the lead agency of the Consortium, is responsible for approving and signing off on environmental reviews for HOME activities. In the past there have been a number of Programmatic Agreements (PA) with individual cities and in some respects they differ from each other because they are tailored to the individual city's needs. The County's intention in developing a Consortium -wide PA was to institute an agreement with SHPO that all of the consortium members could utilize. The County then drafted a single, HOME PA based on anticipated HOME activities of the members. The document was made available to the members several months ago. There was some interest by the Consortium to include new construction activities in the agreement. And finally, the discussions led to two basic issues to be considered. First,

if a member has a CDBG and a HOME PA does one cancel out the other and what is the role of the Responsible Entity (RE)? The second issue is related to the new construction provisions in a PA.

Amy talked with Bob Frankeberger of SHPO before inviting him to the meeting and they agreed that new construction could be included in the HOME PA as long as the construction takes place on less than one half acre and there is a discovery clause. Mr. Frankeberger then launched a discussion on the ways to proceed with a PA. He said there are two ways to do a PA—exclusionary v. standards based. The exclusionary PA means that you do not have to consult with SHPO as long as you do not perform certain activities. Until recently, the exclusionary PA was the most common type used among recipients of HUD funding. Historic Preservation offices realized that the end result of an exclusionary PA was that federal funds were not used to preserve properties because they were mostly ignored and excluded from renovations. The more recent standards based PA means that if you have repetitive actions, standards can be in place. The idea is that SHPO did not have to worry about the renovation of specific properties because standards are applied across the board. A standards based PA is advantageous because it applies to every building regardless of whether it is a historic building or not, and thus provides the best approach for preserving historic properties.

Mr. Frankeberger then talked about the problems associated with developing vacant land and the possibility of discovering archaeological remains. It has been determined that discovery is unlikely, and thus new construction activities could be included in a PA if the PA included a discovery clause. The discovery clause states that “if remains are found, construction will cease and contact would be made with the State Museum at the University of Arizona.” Gilbert Lopez clarified that the City of Glendale rarely develops new homes on undisturbed land.

Mr. Frankeberger discussed the difficulties in including new construction activities in a standards based PA. He believes that you can’t standardize new construction because every location and historic district has different surroundings. He said it will be difficult to avoid SHPO consultation on new construction activities, but with discovery clause a jurisdiction could avoid contacting the archaeological division of SHPO with the discovery clause.

Mr. Frankeberger said he also finds it hard to sign off on a PA for the County when the consortium members will be performing the actual activities, not the County. Amy clarified with Mr. Frankeberger that the County is the RE for the cities in the consortium and therefore it is the responsibility of the County to ensure the activities meet the requirements of the State Historic Preservation Office (SHPO). Mr. Frankeberger responded by saying that HUD is really the ultimate RE.

Amy asked Mr. Frankeberger to confirm whether or not having a separate HOME PA would nullify an existing PA. Mr. Frankeberger said that there would be a conflict and one PA would have to take precedence over the other. Amy said she has copies of PA from the cities of Avondale, Chandler, Glendale, Peoria, Scottsdale, and Tempe is on the table. Alicia Rubio said that she would follow up with their legal department to find out if the City of Surprise has a PA. The County is not a concurring party to Avondale or Chandler’s agreements. Amy said she is going to ask for a legal opinion from the County attorney on those PA that the County is not a party to and we may need to amend them.

Amy asked if any of the members did not want to move forward with the County’s draft PA. Gilbert Lopez said that the City of Glendale did not want to move forward with County’s agreement. He said the City of Glendale wants to keep their PA the way it is and keep their relationship with SHPO and the County the same as it has been in the past. Gilbert asked why the County wants to change the current system when it appears to be working. Amy said the first problem is that the County is not a party to all of the current PA; the second issue is the activity discrepancies from jurisdiction to jurisdiction. She said the County would like to simplify the process by standardizing potentially eight different PA into

one Consortium –wide PA which would cover all of the activities anticipated by the members Gilbert said that he thinks a Consortium –wide PA will just it is just adding a layer of bureaucracy.

Amy stated that for the County to move forward with a County-wide PA, all of the members would have to agree. Carin Imig clarified that the County-wide PA would include new construction with the discovery clause. Carin said that we should decide today whether or not we are going to amend the existing agreements or continue to move forward with a County-wide PA. Matt clarified that this is an “all or nothing” deal and if Glendale isn’t in agreement, then we should not continue with the County-wide PA. Carin made a motion that all of the cities and towns with an individual PA work with the County to have them amended as required in order for the County to concur. Matt seconded the motion. All voted in favor, none opposed and the motion carried.

**4. CAPER FY14/15 –Public Comment period 9/11-9/26**

Amy said the CAPER is due at the end of this month and that the public comment period has begun. She stated that the draft CAPER is available on our website. Carissa announced that this is the last “paper CAPER”. Next year we will be putting the information in IDIS. Kimlyn Consulting sent out an email regarding whether or not administration funds were included in the numbers submitted for the CAPER. Please respond to her by September 18, 2015.

**5. Conflict of Interest- Paul Ludwick**

Amy said that as part of the disclosure process with HUD, Mr. Ludwick and Maricopa County would like to disclose in a public forum Mr. Ludwick’s relationship as an unpaid volunteer Board member with ARM and Save the Family. As a Maricopa County consultant he is a “covered person” under the regulations governing conflict of interest. Mr. Ludwick explained that he has no role in either the application or the funding process as it relates to ARM or Save the Family. He said that he has always understood that a conflict of interest results from a financial gain from a project that a person is involved with. However, the regulations as they are being framed by HUD now are very specific and state that a covered person under the conflict of interest regulation is any person with any interest in the agency or activity that may be funded. As a board member for ARM, Mr. Ludwick explained that he doesn’t receive any funds from ARM, but he certainly has an interest in their success and viability. He said it became clear that the covered person aspect of the regulation did apply to his role as a board member. There is a three step process to conflict of interest: 1) a disclosure of conflict must be made in a public meeting; 2) the disclosure must be based on a legal opinion from the local attorney that there is a conflict of interest under state law; and 3) there is a specific request documenting steps one and two which is submitted to HUD. HUD will then formally respond that they either concur or disagree with the legal opinion regarding the conflict of interest.

Amy stated that in the future if any jurisdictions have a conflict of interest, please go through the same process as stated in 24 CFR 92.356.

**6. Community Presentation**

Robert Kropp gave an overview of community development activities in the Town of Gilbert. He explained some challenges of working within the Town of Gilbert. He said there was a recent Needs Assessment which polled the community service providers and residents and confirmed the need for community development activities in Gilbert. Mr. Kropp talked about his Emergency Home Repairs Program which includes a lot of roof and A/C repairs. They served 86 homeowners last year and hope to serve 100 homeowners this year.

Mr. Kropp also highlighted the Town of Gilbert’s partnership with ARM Save the Family, the Heritage District Water Line Replacement- a downtown infrastructure project; the Community Wellness Center and expanding collaborative partnerships (currently they are working with Mission Church) in order to

expand scarce resources.

**9. Program Year Expenditure Update Report-**

Lisa said she updated the financials for the entire Consortium to date. She said the Consortium as whole expended approximately \$3.5 for the fiscal year. She handed out each member's financial statement. Lisa said to please follow the contracts and submit Requests for Reimbursement monthly.

**10. Announcements and Information-**

Gilbert announced Renee Ayers-Benavidez as the new Revitalization Grants Supervisor and Melissa Galvez as an Accounts Specialist II.

Carin Imig announced that Roger Schwierjohn, the President and CEO of Habitat for Humanity, is retiring. Carin said that she would like for the Consortium to formally recognize all of his efforts at one of our public meetings. Carin will get the information to Regina.

Amy announced that the County has hired an IDIS consultant to train the HOME Consortium members on Tuesday, October 27, 2015 at 9:00 a.m. to noon on Floor 1A in a training room. The consultant will specifically go over receipting program income and switching to the new grants based accounting system. Please RSVP to Regina.

Amy announced that the County's homebuyer assistance program, which funds up \$14,999 in down payment and closing cost assistance, will be discontinued in December. This information will be available on our website.

Amy thanked Earl Cook and Rich Thomason for coming to the meeting. She also thanked Paul Ludwick for all his work on NSP and announced that he will not be working with the County after January.

**11. Call to the Public-**

Call to the Public is an opportunity for the public to address the Consortium concerning a subject that is not on the agenda. Public comment is encouraged. At the conclusion of an open call to the public, individual members of the Consortium may respond to criticism made by those who have addressed the Consortium, may ask staff to review a matter, or may ask that a matter be put on a future agenda. However, members of the Consortium shall not discuss or take legal action on matters raised during an open Call to the Public unless the matters are properly noticed for discussion and legal action. *No response from the public.*

**12. Adjournment-**

There being no other business, the Chair entertained a motion for adjournment by Gilbert Lopez and seconded by Carin Imig. The motion was passed unanimously. The meeting was adjourned at approximately 11:15 a.m. The next scheduled public meeting will be October 15, 2015.

Respectfully submitted,



Regina Marete  
Recording Secretary